

FILED 07 MAR 15 14:15 USDC-ORN

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

DARYL J. KOLLMAN,

Plaintiff,

Civ. No. 04-3106-CO

v.

NATIONAL UNION FIRE INSURANCE CO.  
OF PITTSBURGH,

**ORDER**

Defendant.

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CELL TECH INTERNATIONAL, INC.,  
individually and on behalf of  
its former directors,

Plaintiff-in-Intervention,

v.

NATIONAL UNION FIRE INSURANCE CO.  
OF PITTSBURGH,

Defendant-in-Intervention.

**PANNER, District Judge:**

Magistrate Judge John P. Cooney has filed a Findings and Recommendation, and the matter is now before this court. See 28

U.S.C. § 636(b)(1)(B), Fed. R. Civ. P. 72(b). When either party objects to any portion of a Magistrate Judge's Findings and Recommendation, the district court makes a de novo determination of that portion of the Magistrate Judge's report. 28 U.S.C. § 636(b)(1)(C); McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc., 656 F. 2d 1309, 1313 (9th Cir. 1981).

Here, defendant National Union Fire Insurance Co. of Pittsburgh objects to the Findings and Recommendation. I have, therefore, given this matter de novo review. I adopt the Findings and Recommendation.

#### CONCLUSION

Magistrate Judge Cooney's Findings and Recommendation (#144) is adopted. Defendant's motion for summary judgment (#78) is denied, and plaintiff's motion for partial summary judgment (#89) as to defendant's affirmative defenses is granted except as to affirmative defense no. 10.

IT IS SO ORDERED.

DATED this 15 day of March, 2007.

A handwritten signature in black ink, appearing to read "Owen M. Panner", is written over a horizontal line.

OWEN M. PANNER  
U.S. DISTRICT COURT JUDGE